

SEBASTIAN NEWTON-TAPIA, OSB #043761  
LANE COUNTY OFFICE OF LEGAL COUNSEL  
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Of Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

**CHARLES WILSON,**

Plaintiff,

v.

**LANE COUNTY SHERIFF'S OFFICE**  
and **SHERIFF ROSS BURGER** in his  
individual and official capacities,

Defendants.

**Case No. 6:12-cv-00691-HO**

**DECLARATION OF COUNSEL IN  
SUPPORT OF DEFENDANTS MOTION  
FOR SUMMARY JUDGMENT**

I, Sebastian Newton-Tapia, declare as follows:


1. I am an attorney with the Lane County Office of Legal Counsel. I represent the Defendants in the present action.
2. The Lane County Office of Legal Counsel collects and maintains tort claim notices for all departments it represents, including the Lane County Sheriff's Department. My office is the central repository for tort claim notices regardless if it is initially given to Human Resources, Risk, Lane County Sheriff's Department, Lane County Adult Corrections or any related office. I am aware of how the Lane County Office of Legal Counsel maintains these records. I would know if my office received a tort claim notice within the last three (3) years and possibly longer. I know that the Lane County Office of Legal Counsel did not receive a Tort Claim Notice from Charles Wilson.

3. I have reviewed the attached Exhibit A, pages 1-5 (also attached to the Declaration of Larry Brown, filed herewith). I know that the signature on page 5 was made by Circuit Court Judge Charles M. Zennaché, who is and was at the relevant time, a Lane County Circuit Court Judge.
4. I have reviewed Exhibit A in its entirety. The only changes to the original version were the additions of "Exhibit A" and the red box inserted at the relevant location for ease of reading.
5. I have also reviewed the attached Exhibit C in its entirety. It is a court certified document. The only changes to the original version were the additions of "Exhibit C" and the red boxes inserted at the relevant locations for ease of reading.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THIS DECLARATION IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

EXECUTED this 3<sup>rd</sup> day of July, 2012.

LANE COUNTY OFFICE OF LEGAL COUNSEL

By:   
Sebastian Newton-Tapia, OSB# 043761  
Lane County Office of Legal Counsel

Routled by:

## INCIDENT REPORT

LANE COUNTY SHERIFF'S OFFICE

## RELAT. REPORTS

- ☐ Incident  
☐ Accident  
☐ Custody  
☐ Citation  
☐ Prop./Evidence  
☐ Supplemental  
☐ Dual Investigation

Page 1 of 4

1. Incident & ORS No. 163.75P Violation STALKING Protective Order		2. Case Number 10-8215	
3. Location 82623 Simonsen Rd Eugene OR 97405		4. Source DISPATCHED	
5. Rpt. Date 4-19-10	6. Occurred Date 4-17-10	7. Time 0700	8. Date 4-19-10
9. Name 10. SNEDEGAR Michael Lee SA. 101-101010		11. DOB 11-6-59	12. Race/Sex W/M
13. Res. Address 82623 Simonsen Dr Eugene OR 97405		14. Occupation/School/Type of Business N/A	
15. Bus. Address N/A		16. Injured Yes	17. Where Taken N/A
18. Name 19. First Middle Last 20. DOB		21. NOT CONT'D	
22. Address 23. City State Zip		24. Race/Sex	
25. Name 26. First Middle Last		27. DOB	
28. Address 29. City State Zip		30. Race/Sex	
31. Name 32. First Middle Last		33. DOB	
34. Address 35. City State Zip		36. Race/Sex	
37. Name 38. First Middle Last		39. DOB	
40. Address 41. City State Zip		42. Race/Sex	
43. Name 44. First Middle Last		45. DOB	
46. Address 47. City State Zip		48. Race/Sex	
49. Name 50. First Middle Last		51. DOB	
52. Address 53. City State Zip		54. Race/Sex	
55. Name 56. First Middle Last		57. DOB	
58. Address 59. City State Zip		60. Race/Sex	
61. Name 62. First Middle Last		63. DOB	
64. Address 65. City State Zip		66. Race/Sex	
67. Name 68. First Middle Last		69. DOB	
70. Address 71. City State Zip		72. Race/Sex	
73. Name 74. First Middle Last		75. DOB	
76. Address 77. City State Zip		78. Race/Sex	
79. Name 80. First Middle Last		81. DOB	
82. Address 83. City State Zip		84. Race/Sex	
85. Name 86. First Middle Last		87. DOB	
88. Address 89. City State Zip		90. Race/Sex	
91. Name 92. First Middle Last		93. DOB	
94. Address 95. City State Zip		96. Race/Sex	
97. Name 98. First Middle Last		99. DOB	
100. Address 101. City State Zip		102. Race/Sex	

0018

APR 19 2010 10:14 AM





# CONTINUATION REPORT

## LANE COUNTY SHERIFF'S OFFICE

PAGE <u>3</u> OF <u>4</u>
CASE NUMBER 10-2215

Ogden showed me where the cut-off valves were on the backside of Wilson's house. There were 5 cut-off valves and 1 of them was turned off. I turned it back on and heard water enter the line. I followed Ogden up the water line between Wilson's residence and Snedegar's residence continually looking for any breaks in the line. We observed no breaks between Wilson's residence and Snedegar's residence.

I contacted Snedegar and asked him to check his water. Snedegar advised me that the water was running again.

I have probable cause to arrest Charles Warren Wilson DOB 3/9/40 for Violation of Stalking Order. I have completed a probable cause affidavit and attempt to locate form; which were turned in with this report.

Snedegar advised he and Wilson have a hearing on 04/19/10 to contest the orders. I sent Sgt Weir, Sergeant of transport, an email advising him of probable cause to arrest Wilson.

### STATEMENT: Snedegar, Michael Lee

I contacted Snedegar at his residence and Snedegar advised me that he had no water. Snedegar said when he woke up on Saturday April 17, 2010 at about 7-7:30 am he had no water. Snedegar has a 1500 gallon holding tank which was empty and estimates that he hasn't had water since the Tuesday or Wednesday prior to 04-17-10.

Snedegar stated that he bought his property from Wilson 5 years ago and with the purchase received water rights and easement along the water line. At that time Ogden owned 50 percent and Wilson owned 50 percent. When Wilson sold the property to Snedegar he also gave 25 percent of his water rights to Snedegar. Snedegar stated that he has had problems with Wilson since he moved in. Snedegar stated that Wilson has turned off his water about 10 times in the last 5 years; mostly when he leaves town but believes Wilson also does it to be mean. Because of the issues Snedegar was having he went to the courthouse and got a Stalking order against Wilson. At the same time Wilson got an elder abuse protective order against Snedegar.

Snedegar usually walks the water line to insure there are no breaks in the water line. Snedegar isn't allowed on Wilson's property due to the order against him from Wilson.

Snedegar contacted Ogden first thing on Saturday April 17, 2010 once he noticed he had no water. Ogden told Snedegar that he had no problem with water at his residence. Snedegar believes that Wilson turned off his water.

Reporting Officer S. F. J. GCKI '0N	L.D.#	Assisting Officer WILSON #74	L.D.#	Date & Time Prepared 04/19/10 0130	Exhibit A, page 3 of 5 (5) 176 WVNB:010107 61 0000
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# CONTINUATION REPORT

LANE COUNTY SHERIFF'S OFFICE

PAGE 4 OF 4.  
CASE NUMBER 10-2215

**STATEMENT:**

**Ogden, Tom Edwin**

I contacted Ogden at his residence and confirmed with him that he had good water pressure at his house. Ogden told me the spring that feeds the 3 properties was on BLM land about 1 mile away. The water line goes from the spring through Ogden's property then Wilson's and ends on Snedegar's property. Ogden also does all the repairs on the water line between his property and the spring. Ogden also does most of the repairs between his residence and Wilson's and Snedegar's residence.

He told me that he has free access to walk the line to look for breaks in the line. Ogden volunteered to walk the line with me. I told him that he didn't have to do that and it wasn't his responsibility. Ogden told me that he didn't mind doing it.

**FOLLOW-UP:** None: pending contact with Wilson

**REFERRAL:** None

**DISPOSITION:** Suspended

Reporting Officer S. F. J. C. G. G. M.	ID.#	Assisting Officer L. S. G. #74	I.D.#	Date & Time Prepared 04/19/10 0130	Exhibit page 4 of 5 01-0107-61-1111
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## in the Circuit Court of the State of Oregon for Lane County

THE STATE OF OREGON,

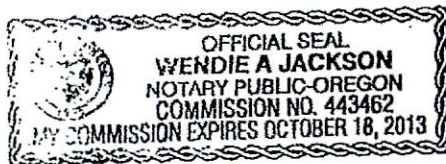
Plaintiff,

vs.

Wilson, Charles Warren DOB 03/09/40,  
Defendant.Booking no.: \_\_\_\_\_  
Agency no.: 2010-2215Affidavit of Probable Cause  
and  
OrderSTATE OF OREGON )  
 ) ss.  
County of Lane )

I, Stacy Fenley, am a deputy sheriff employed by the Lane County Sheriff's Office, where I have been so employed for approximately 9 ½ years. My attached 4 page police report is incorporated herein as though fully set forth at this point. If I were called to testify under oath my testimony would be consistent with said report, and I believe the evidence described therein establishes probable cause to believe that Charles Warren Wilson, committed the crime(s) of violation stalking order in Lane County, Oregon. I believe I have probable cause to arrest Charles Warren Wilson for the crime(s) of violation stalking order.

Signature

Stacy Fenley Deputy Sheriff  
NAME and TITLE (printed)SUBSCRIBED AND SWORN TO before me this 19 day of April, 2010

Wendie Jackson  
NOTARY PUBLIC FOR THE STATE OF OREGON  
My Commission Expires:

## ORDER:

THIS MATTER came before the Court on the 19 day of April, 2010  
for a determination of probable cause existing to arrest the Defendant. The Court having found probable cause; IT IS HEREBY ORDERED that the defendant shall be detained pending further proceedings in the Court.

DATED this 19 day of April, 2010

[Signature]  
Circuit Court Judge



## FORM C

IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR LANE COUNTYMICHAEL LEE SUEDEGAR SR  
Petitioner

v.

CHARLES WARREN WILSON  
RespondentCase No. 18-10-07187

STALKING PROTECTIVE ORDER

☒ TEMPORARY☐ FINAL

HEARING DATE \_\_\_\_\_ Judge \_\_\_\_\_ Reporter \_\_\_\_\_

THIS MATTER came before this Court by Petition for a Stalking Protective Order of unlimited duration for the protection of MICHAEL LEE SUEDEGAR SR (SI) TAWA L. SUEDEGAR (SI)  
(WIFE)

(List all persons to be protected)

PETITIONER ☒ Appeared in Court ☐ Appeared by telephone☐ Did not appear

Attorney, if any

RESPONDENT ☐ Appeared☒ Did not appear

A Warrant of Arrest is ordered. Security amount is set at \$50,000.

☒ Respondent was served in court with a copy of this Order.

## AFTER CONSIDERING THE EVIDENCE PROVIDED, THE COURT FINDS:

☒ Probable cause ☐ By a preponderance of the evidence;

1. That Respondent has ☒ intentionally ☒ knowingly ☒ recklessly engaged in repeated and unwanted contact with the Petitioner or a member of Petitioner's immediate family or household, thereby alarming or coercing that person or persons;
2. That it is objectively reasonable for a person in Petitioner's situation to have been alarmed or coerced by the Respondent's contact; and
3. The repeated and unwanted contact causes the Petitioner reasonable apprehension regarding Petitioner's personal safety or the safety of a member of Petitioner's immediate family or household.

## PURSUANT TO FEDERAL LAW, RESPONDENT'S ABILITY TO POSSESS FIREARMS IS AFFECTED IF, BY INITIALING EACH FINDING, THE COURT MAKES THE FOLLOWING FINDINGS:

☐ The respondent was provided notice and an opportunity to be heard in this proceeding; and☐ The Court finds that Petitioner and Respondent are intimate partners (spouses, former spouses, co-habitants, former co-habitants, or have a child in common) or Petitioner is a child of an intimate partner.

1 copy to Det  
1 CC LCSO  
Def Served in Ct

rev. 09/09  
Exhibit C



\_\_\_\_\_ The Court finds Respondent represents a credible threat to the physical safety of the person(s) to be protected.

RESPONDENT IS HEREBY ORDERED TO CEASE AND REFRAIN FROM ANY CONTACT WITH:

MICHAEL LEE SNEDEGAR SR.

TINA L. SNEDEGAR (WIFE)

(Person or Persons to be protected by the Order)

CONTACT MEANS, but is not limited to the following:

- a. coming into the visual or physical presence of the other person; *except for normal egress and ingress to his (respondent's) home*
- b. following the other person;
- c. waiting outside the home, property, place of work or school of the other person or a member of that person's family or household;
- d. sending or making written communications in any form to the other person;
- e. speaking with the other person by any means;
- f. communicating with the other person through a third person;
- g. committing a crime against the other person;
- h. communicating with a third person who has some relationship to the other person with the intent of affecting the third person's relationship with the other person;
- i. communicating with business entities with the intent of affecting some right or interest of the other person;
- j. damaging the other person's home, property, place of work or school; or
- k. delivering directly or through a third person any object to the home, property, place of work or school of the other person.

l. *respondent shall not obstruct or block the common driveway*  
 m. *respondent shall not obstruct, block, or alter petitioner's water access*

IT IS FURTHER ORDERED THAT:

\_\_\_\_\_ The Petition for the Stalking Order is denied.

\_\_\_\_\_ Respondent shall undergo mental health evaluation and, if indicated by the evaluation, treatment.

\_\_\_\_\_ The Court finds that Respondent is without funds to obtain the evaluation or treatment or both. Respondent is referred to \_\_\_\_\_ for this service.

A This Stalking Protective Order is temporary and shall remain in effect until service of the Final Stalking Protective Order or dismissal of the matter.

\_\_\_\_\_ This Stalking Protective Order and Judgment is of unlimited duration unless modified by law or further order of the Court.

**SECURITY AMOUNT FOR VIOLATION OF ANY PROVISION OF THIS ORDER IS \$20,000, UNLESS OTHERWISE SPECIFIED.**

OTHER SECURITY AMOUNT: \$ \_\_\_\_\_

Signed: April 5, 2010

[Signature]  
Circuit Court Judge (Signature)

Evelyn Henry  
Circuit Court Judge (Printed)

TO HAVE A TRUE COPY OF THE  
INSTRUMENT CONSISTING OF  
8 PAGES WHICH IS FILED IN  
BOOK NO. OF WHICH I AM THE  
CLERK OF COURT.

04/24/12

Judge's Office  
County Court  
Clatsop County, Oregon  
daric@clatsop.org

CLATSOP COUNTY JUDGE'S OFFICE  
COUNTY COURT CLERK  
STATE OF OREGON

**CERTIFICATE OF SERVICE**

I, Sebastian Newton-Tapia, hereby certify that I am the attorney for the Defendants herein; that I served the Plaintiff the foregoing **DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**, on the 3<sup>rd</sup> day of July, 2012, by placing a duly certified copy thereof in a sealed envelope plainly addressed as follows:


Charles Wilson  
PO Box 71764  
82619 Slimonsen Road  
Eugene, OR 97401

XX Postage prepaid and deposited in the United States Post Office at Eugene, Oregon.

XX CM/ECF.

\_\_\_\_\_ Delivered personally by me or by a member of my staff.

\_\_\_\_\_ Caused to be delivered by facsimile transmission, fax #:\_\_\_\_\_.

  
\_\_\_\_\_  
Sebastian Newton-Tapia, OSB# 043761  
Lane County Office of Legal Counsel  
125 East Eighth Avenue  
Eugene, OR 97401  
541/682-3728  
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Of Attorneys for Defendants